

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

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DATE: June 8, 1979

339244



SUBJECT: Duane Marine Corporation

FROM: Charles Hoffmann, Attorney
Water Enforcement BranchTO: Richard G. Tisch, Chief
Water Enforcement Branch

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6/11/79

[Handwritten notes:]
Maurice
Please file with
EPA - 734
pro. west
Galt

S & A conducted a site inspection on May 14 and 17, 1979 at Duane Marine Corporation in Perth Amboy, New Jersey after receiving a call from a local newspaper. The site was found to contain thousands of barrels of industrial wastes. No discharge was noted, nor were the barrels leaking at that time. However the plant layout was such that spills from the drums could flow into the Arthur Kill. Waste oils were stored in a 250,000 gallon tank and three 5,000 gallon tanks. Although the area around the tanks was diked, it would be possible for a tank truck to spill oil and for the oil to reach the Arthur Kill via a local street. An oil sheen was observed flowing along that route. The facility does not have a NPDES permit. All discharges are sent to the Perth Amboy STP.

You requested that I investigate this facility for possible enforcement. On May 22, 1979, Michael Polito wrote two memoranda. The one sent to Fred Rubel, copy to Scolnick, prompted your request. A second, sent directly to you, indicated several failures to implement the Corporation's SPCC Plan and several deficiencies in the Plan. The case was given a No. 1 priority by Fred Rubel. I intend to issue an NOV for these violations later this month. You asked about an "action plan" referred to in Mr. Polito's first memorandum as being drafted with Jeff Zelikson. I have not been able to reach Mr. Zelikson. No one else seems to know what he had in mind. You also asked whether there was a point source discharge at this facility. Any discharge to the Arthur Kill appears to be uncontrolled runoff. Unless the entire facility can be considered a point source, I do not foresee instituting a §§301, 402 action. Stephen Crandall in the U.S. Attorney's Office in Newark is sending me a research paper written in his office on whether landfills such as Kin-Buc can be considered to be point sources. The present situation might be an analogous one. However, if the SPCC violations are corrected, there should be no further runoff problems as everything would be redirected to the City of Perth Amboy's STP.

Mr. Polito also indicated that the NJDEP was going to take action against this facility. I spoke to Ronald Buchanan who referred me to the Attorney General's Office. There I was informed that the NJDEP and the City of Perth Amboy have sued Duane Marine Corporation. The City wants it shut

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down... The NJDEP only wants it cleaned up. A preliminary order has been issued by a state judge limiting the number of barrels that may be kept on site to 8,000. The Corporation will agree to a Consent Court Order to reduce the number of drums to 3,000, to separate the stored drums on individual wooden pallets, to segregate the drums by waste, to provide an inventory of the drums that remain on site, to provide an inventory of the drums that will be removed and a report on how and where they will be disposed of, to clean up any leakage and to patch any drums that are leaking, and to post a security bond for this work. In addition, all drums within 50 yards of the Arthur Kill will be removed. Unless the City of Perth Amboy is able to hold up this settlement, this Order will be satisfactory to the NJDEP.